IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 7585 OF 2006

1. Balkrishna R. Kulapkar & anr.] .. Petitioners

Versus

1. State of Maharashtra & 2 ors.] .. Respondents

Mr. R.K. Mendadkar for the petitioners.

Mr. C.R. Sonawane, AGP, for the respondents.

CORAM: S.B. MHASE &
D.G. KARNIK, JJ.

DATED: 30TH OCTOBER, 2007

P.C. :

1. Rule. Returnable forthwith. By consent, taken up for hearing.

2. By this petition, the petitioners challenge the order dated 3rd October, 2005, passed by the Scheduled Tribes Certificate Scrutiny Committee (for short "Scrutiny Committee") rejecting the petitioners claim of belonging to Mahadeo Koli tribe. We have perused the order of the Scrutiny Committee which is laconic. In paragraph 3 of the decision, the Scrutiny Committee has listed four documents produced by the petitioner. Thereafter the Scrutiny Committee has only

stated that the appellant has not produced any basic documentary evidence and, therefore, it did not find any infirmity in the order passed by the Sub Divisional Officer refusing the petitioners claim.

3. We notice that the Scrutiny Committee has not considered any of the four documents produced by the petitioners. It is one thing to say that the documents are post constitutional and do not have much probative value and yet another thing to say that the petitioners have not produced any documents at all. However, without going into the details, we only observe that the Scrutiny Committee has not performed its task fully and has not appreciated the evidence produced by the petitioners. Therefore, the order passed by the Scrutiny Committee is required to be set aside and the matter needs to be remanded back to the Scrutiny Committee for fresh consideration.

4. Accordingly, the Writ Petition is allowed and the order of the Scrutiny Committee is set aside. The matter is remanded back to the Scrutiny Committee for considering all the documents which the petitioners have already produced and any further documents which the petitioners may produce. We clarify that the Scrutiny Committee is further at liberty to remand the matter

back to the Sub Divisional Officer if it feels so necessary.

5. Rule is made absolute to the extent indicated above.

Sd/-
[D.G. KARNIK, J.]

Sd/-
[S.B. MHASE, J.]